

## **RCRA Subtitle D – Non-hazardous Waste**

**Budget:** 2.0 FTE Level of Effort

**Statutory Authority:** Solid Waste Disposal Act of 1965, as amended by the Resource Conservation and Recovery Act of 1976, the Hazardous and Solid Waste Amendments of 1984, the Federal Facilities Compliance Act of 1992 and the Land Disposal Program Flexibility Act of 1996. (Often collectively referred to as RCRA)

### **Background:**

Subtitle D of the Resource Conservation and Recovery Act (RCRA) addresses non-hazardous solid wastes, including certain hazardous wastes which are exempted from the Subtitle C regulations such as: hazardous wastes from households and from conditionally exempt small quantity generators. Subtitle D also includes garbage (milk containers, coffee grounds), non-recycled household appliances, the residue from incinerated automobile tires, and refuse such as scrap metal, wall board and empty containers.

Congress intended, via RCRA Subtitle D, that permitting and monitoring of municipal and non-hazardous waste landfills shall be a State responsibility. RCRA does not authorize EPA to issue Federal permits for disposal of Subtitle D wastes. Information on the permitting process and on individual landfills must be obtained by contacting the state agencies (and in some states the local health departments) and the local municipality, in Alaska, Idaho, Oregon, or Washington.

Under Subtitle D, the state and local governments are the primary planning, permitting, regulating, implementing, and enforcement agencies for management and disposal of household and industrial or commercial non-hazardous solid wastes. EPA establishes technical design and operating criteria (which, at a minimum, the States include in their own regulations) for disposal facilities. Also, per Subtitle D, EPA must determine the adequacy (approval status) of the State permit programs. Note, EPA can only do compliance inspections and enforcement of the Federal minimum criteria after EPA has determined a State's solid waste program to be inadequate. Approved States benefit from potential use of the flexibility included in the federal regulations as an incentive to seek approval for a Subtitle D program. Tribes can also request (petition) EPA for use of the flexibility on a site-specific landfill basis.

### **Current Status:**

New York, New Jersey and Puerto Rico have approved solid waste programs.

While Puerto Rico does have an approved program, it has subsequently altered its solid waste regulations such that the regulations no longer meet minimum Federal requirements. SMMS has worked with Puerto Rico to correct the deficiencies in its regulations; however, Puerto Rico has yet to promulgate the corrections.

The Virgin Islands has not received program approval, or disapproval for its solid waste program. Without program approval, they cannot site new landfills or expand existing landfills.

In addition, the RA has initiated the Puerto Rico (PRRP) and Virgin Islands Recycling Partnerships (VIRP). Both the PRRP and the VIRP were created jointly by EPA Region 2 and the governments of Puerto Rico and the US Virgin Islands (USVI) to engage residents, policymakers, and commercial stakeholders in developing and implementing sustainable waste

and materials management programs on the islands. The primary intent of the Partnerships is to *accelerate* adoption of aggressive solid waste reduction, reuse, composting, recycling, and related job creation activities through development of a detailed set of recommendations, including a specific action plan. During FY12, the partnerships established a steering committees and subgroups with the purpose of enhancing and implementing the recommendations identified in the: *US Virgin Islands Integrated Solid Waste Strategy (Sustainable Materials Management) Implementation Options: Overview* documents.

**FY 2013 Goals:**

- 1) SMMS will continue to provide general oversight, and monitor the status, of the RCRA Subtitle D programs for the states in Region 2.
- 2) SMMS will continue to work with our States, recycling and composting officials, composters and generators of large amounts of MSW to facilitate diversion of MSW from landfills and SMM. In addition, the Region will work to educate municipalities, private organizations and composters to connect them with State regulators to ensure recycling and permit requirements are met. SMMS will provide technical assistance to MSW generators, farmers and composters who have experience composting food waste to composters interested in adding food waste to their composting.
- 3) SMMS, with assistance from the RA's office and DECA, will continue to focus on ensuring that approvable solid waste program regulations are promulgated in Puerto Rico.
- 4) SMMS will provide support to the RA's Puerto Rico Recycling Partnership (PRRP) and Virgin Islands Recycling Partnership (VIRP) efforts to develop and implement integrated solid waste management plans, develop recycling and reuse programs and continue enforcement efforts to bring landfills in PR and the VI into compliance. This includes SMMS FTE to report directly to the RA on the VIRP.
- 5) SMMS will continue to raise the issue of the absence of the Virgin Islands Subtitle D Program Approval Status for Senior Management consideration.
- 6) The SMMS will continue implement solid waste programs that aid businesses, states, local governments, and tribes in implementing resourceful solid waste management programs especially those that focus particularly on the environmental and economic benefits of source reduction and recycling, including: WasteWise and Pay As You Throw (Unit Pricing).
- 7) SMMS will conduct quarterly calls with New York and New Jersey solid waste program staff to discuss solid waste and SMM issues.